

January 27, 2006

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services To Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems - ET Docket No. 00-258*

NOTICE OF ORAL EX PARTE COMMUNICATION

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, I am writing to advise that yesterday I met on behalf of the Wireless Communications Association International, Inc. ("WCA") with Bruce Franca, Julius Knapp, Jamison Prime, Alan Scrim, Geraldine Matise and Priya Shrinivasan of the Office of Engineering and Technology to discuss the issues raised in the *Fifth Notice of Proposed Rulemaking* in this proceeding regarding the relocation of licensees on Broadband Radio Service ("BRS") channels 1 and 2 from the 2150-2162 MHz band to create auctionable spectrum for Advanced Wireless Services ("AWS") in the 2110-2155 MHz band.

During the course of that meeting, WCA reiterated the proposals it has advanced in its comments and reply comments in response to the *Fifth Notice of Proposed Rulemaking*. WCA focused on the fundamental differences between the relocation of BRS consumer-based operations and prior relocations, emphasizing the need for BRS system operators to control their own relocation process to preserve their proprietary customer relationships. WCA stressed the fundamental unfairness of requiring systems that are not relocated by AWS auction winners within ten years to fund their own relocation. In this regard, WCA pointed out that if BRS operators effectuate their own transitions, internal costs will represent a far greater percentage of the relocation costs than was the case with prior microwave relocations, where incumbents were far less involved in the design and implementation of their replacement facilities. Thus, WCA reiterated its call for the compensation of internal relocation costs consistent with the procedures established by the 800 MHz transition administrator.

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In connection with its opposition to a ten year sunset of AWS relocation compensation obligations, WCA noted that many of the systems utilizing BRS channels 1 and 2 are located in rural areas where the broadband Personal Communications Service spectrum is not fully utilized. Thus, WCA explained, it is highly uncertain whether AWS will be deployed in those areas within ten years of the auction, making it highly possible that the only source of fixed broadband services in rural areas will be jeopardized by a sunset. WCA stressed that given the nature of these markets, it cannot be presumed that these operators would be required by marketplace considerations to replace their subscriber equipment within the next ten years, and thus it cannot be presumed that these operators will not incur crippling additional costs if forced to fund their own relocation for the benefit of the AWS auction winner.

Pursuant to Section 1.1206(b) of the Commission's Rules, an electronic copy of this letter is being filed with the office of the Secretary. Should you have any questions regarding this presentation, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

Counsel for the Wireless Communications
Association International, Inc.

cc: Bruce Franca
Julius Knapp
Alan Scrim
Geraldine Matise
Jamison Prime
Priya Shrinivasan